

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JEFFERSON PADILLA, *on behalf of himself and
others similarly situated in the proposed FLSA
Collective Action,*

Plaintiff,

-against-

Gurney's Inn Resort & Spa LLC,

Defendant.

Case No. 22-cv-00498 (BMC))

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

WHEREAS, on January 27, 2022 Plaintiff Jefferson Padilla ("Plaintiff") filed a Complaint, and on that same day filed an Amended Complaint, against Defendant Gurney's Inn Resort & Spa LLC ("Defendant") (collectively, Plaintiff and Defendant, the "Parties") alleging violations of the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL") (the "Action"); and

WHEREAS, on or about April 8, 2022 the Court entered an Order staying the Action pending arbitration between the Parties and marking the Action closed for administrative purposes (the "Stay Order"); and

WHEREAS, in furtherance of the Stay Order, the Parties wish to have this matter closed for all purposes.

NOW, THEREFORE, it is hereby stipulated by and between the undersigned, attorneys for the Parties herein, that:

1. this Action is hereby dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure; and


2. the parties may sign this Stipulation electronically and in counterparts, with all counterparts together constituting one and the same document.

Dated: New York, New York
May 3, 2022

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